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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON
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6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 LOUIS G. RUTHERFORD, SALLY
10 J. RUTHERFORD, and CHELAN
COUNTY ASSESSOR,

11 Defendants.
12

NO. 2:16-CV-00036-JLQ

ORDER GRANTING MOTION TO
DISMISS SALLY J. RUTHERFORD

13 BEFORE THE COURT is the Government and Defendant Sally J. Rutherford's
14 Join Stipulation and Motion to Dismiss Sally J. Rutherford (ECF No. 3) wherein the
15 parties agree to dismiss all claims against Ms. Rutherford with prejudice. The Government
16 asserts Ms. Rutherford was named as a defendant "solely to fulfill the requirements of 26
17 U.S.C. § 7403(b)" which requires all persons claiming an interest in the subject property
18 to be made parties. Ms. Rutherford stipulates she has no right or interest in the properties
19 at issue in this matter. In light of this Stipulation and agreement, the Government seeks
20 dismissal of the action against Ms. Rutherford with prejudice.

21 A plaintiff may dismiss a party without a court order if the opposing party has not
22 served an answer or motion for summary judgment. *See* Fed.R.Civ.P. 41(a)(1)(A)(I).
23 While the Government could have simply filed a notice dismissing Ms. Rutherford, it filed
24 the instant Motion seeking an Order of dismissal with prejudice under Fed.R.Civ.P.
25 41(a)(2). The court finds good cause for dismissing Ms. Rutherford.
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IT IS HEREBY ORDERED:

1. The Joint Stipulation and Motion to Dismiss Sally J. Rutherford (ECF No. 3) is **GRANTED**.
2. The Complaint (ECF No. 1) and the claims therein against Sally J. Rutherford are **DISMISSED WITH PREJUDICE**.
3. The Clerk of this court shall enter judgment herein dismissing the Complaint and the claims therein with prejudice without costs or attorney fees to any party.

IT IS SO ORDERED. The Clerk is hereby directed to enter this Order and judgment and furnish copies to counsel.

DATED this 5th day of March, 2016.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE